

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's Own Motion into the Operations and Practices of Pacific Gas and Electric Company to Determine Violations of Public Utilities Code Section 451, General Order 112, and Other Applicable Standards, Laws, Rules and Regulations in Connection with the San Bruno Explosion and Fire on September 9, 2010.

Investigation 12-01-007
(Filed January 12, 2012)

ORDER EXTENDING STATUTORY DEADLINE**1. Summary**

Public Utilities (Pub. Util.) Code Section 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of the date that they are initiated unless the Commission makes findings as to why that deadline cannot be met and issues an order extending that deadline. This matter has been categorized as adjudicatory and the 12-month deadline for its resolution had been January 12, 2013. In Decision 12-09-031, the statutory deadline for this proceeding had been extended to January 12, 2014. This decision extends the statutory deadline to January 12, 2015.¹

¹ We extend the deadline by 12 months as a matter of standard practice.

2. Background and Discussion

In this proceeding, two separate sets of hearings were held. The first set of hearings concerned the violations alleged by the Commission's Consumer Safety and Enforcement Division (CPSD)² and were concluded on January 17, 2013. The second set of hearings concerning fines and remedies, which were held jointly with Investigation (I.) 11-11-009 and I.11-02-016,³ were concluded on March 5, 2013. All post-hearing briefs have been filed.

On July 30, 2013, the assigned Administrative Law Judges (ALJs) in the Pipeline OIIs issued a ruling seeking additional comment on issues related to PG&E's financing of any fines or disallowances at issue in the proceedings and the impact that these fines or disallowances would have on PG&E's ability to raise capital. Reply briefs in response to this ruling are due October 7, 2013.

An additional extension of the statutory deadline is reasonable and necessary to issue a decision on the case because of the possibility that one of the parties would file an appeal of the decision within the 30-day period provided for such appeals in Rule 14.4(a) of the Commission's Rules of Practice and Procedure or that a Commissioner will file a request for review of the decision within the 30-day period provided for such requests in Rule 14.4(b). Because of

² As of January 1, 2013, CPSD has been renamed the Safety and Enforcement Division (SED). However, for consistency and to avoid confusion, this proceeding continues to refer to SED by its former name, CPSD.

³ These three investigations (jointly, the Pipeline OIIs) have not been consolidated, but have had coordinated hearings and briefing regarding Pacific Gas and Electric Company's (PG&E) ability to pay any fines and remedies resulting from any violations found with respect to its operation and maintenance of its natural gas pipeline system.

these circumstances, we conclude that it is appropriate to extend the 12-month deadline in this case to January 12, 2015.⁴

3. Waiver of Comment Period

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of proposed decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to this rule, the otherwise applicable period for public review and comment is waived.

4. Assignment of Proceeding

Michael R. Peevey is the assigned Commissioner and Mark Wetzell is the assigned ALJ in this proceeding.

Findings of Fact

1. This proceeding was initiated on January 12, 2012.
2. Based upon the statutory deadline, this proceeding must be resolved within 12 months of its initiation, unless this date is extended.
3. Decision 12-09-031 extended the statutory deadline for this proceeding to January 12, 2014.
4. An additional extension of the 12-month deadline is necessary in order to issue a decision on this case and provide the parties time to decide whether to file an appeal of the decision within the 30-day period provided for such appeals in Rule 14.4(a) of the Commission's Rules of Practice and Procedure, and allow any Commissioner to decide whether to request review of the decision within the 30-day period provided for such requests in Rule 14.4(b).

⁴ We extend the deadline by 12 months as a matter of standard practice.

Conclusions of Law

1. The 12-month statutory deadline imposed by Pub. Util. § 1701.2(d) should be extended to January 12, 2015.
2. This order should be effective immediately.

ORDER

IT IS ORDERED that the 12-month statutory deadline in this proceeding is extended to January 12, 2015.

This order is effective today.

Dated _____, at San Francisco, California.